

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICHARD HOEFT,

Petitioner,

ORDER

v.

08-cv-537-slc

BRAD HOMPE, Warden,
Stanley Correctional Institution,

Respondent.

In this federal habeas corpus action brought pursuant to 28 U.S.C. § 2254, petitioner Richard Hoeft has moved to strike respondent's surreply to the petition. Dkt. 19. Respondent filed its response to the petition on November 20, 2008, dkt. 10, and petitioner replied on January 12, 2009, dkt. 18. Petitioner argues that because respondent failed to file a reply brief by January 22, 2009, he should not be allowed to do so. Petitioner appears to misunderstand the briefing schedule. Respondent is entitled only to one brief in response to the petition; he does not get the benefit of a surreply. Accordingly,

IT IS ORDERED that petitioner's motion to strike is DENIED as unnecessary.

Entered this 5th day of February, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge